

# **Exhibit A**

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**From:** Dennis E. Murray, Jr. <dmj@murrayandmurray.com>  
**Sent:** Friday, September 17, 2021 2:57 PM  
**To:** Lipscomb-Jackson, Tiffany D.  
**Cc:** Margaret M. Murray; Gladman, Michael R.; Harmanis, M. Ryan; Dengler, Molly M.; Roth, Yaakov M.; john.mccaffrey@tuckerellis.com; john.favret@tuckerellis.com; crendon@bakerlaw.com; Brennan, Terry (TBrennan@bakerlaw.com); alin@bakerlaw.com; teaberryj@ballardspahr.com; katsift@ballardspahr.com; axelrodd@ballardspahr.com; mckeevassalloe@ballardspahr.com; Lee, Corey A.; 'Marvin A. Miller' (mmiller@millerlawllc.com); Roddy, Kevin (kroddy@WILENTZ.com) (kroddy@WILENTZ.com); Rick Kerger; Andy Szot (aszot@millerlawllc.com)  
**Subject:** Re: Smith, et al. v. FirstEnergy Corp., et al.

\*\* External mail \*\*

Tiffany, we have decided to bring Energy Harbor into the litigation, and will likely file the necessary pleadings next week. We believe that this will inevitably delay class certification and plaintiffs' depositions. Please let us know if you see it differently. In all events, it may be appropriate to request a status conference with the court.

Whenever the plaintiffs' depositions are taken, it would be better that we were in accord regarding the application of the seven hour deposition limit. We do not know if the defendants intend to take a complete deposition of the plaintiffs or if they believe that separate "merits" discovery would occur later. If the latter is the preferred course, do defendants anticipate reserving time from the seven hour total for that purpose?

On Sep 15, 2021, at 6:03 PM, Lipscomb-Jackson, Tiffany D. <tdlipscombjackson@jonesday.com> wrote:

Margaret—Again, those dates were provided to give you a targeted request to take back to your clients and determine the dates in that window when they are available. Unless your position is that your clients have no availability in the window suggested other than the one date indicated for each in your initial email (which your last email indicates is not the case, rather you have simply decided to only provided one date), then FirstEnergy requests that you provide the other dates on which they are available so we may notice depositions on a schedule that makes sense and is convenient for your clients and all parties. We are trying to work collaboratively here and your repeated refusal to do so is both concerning and not consistent with practices in this Court. If you refuse to provide us the information requested, then we will have no choice but to notice depositions without your input, as is our right under Federal Rule 30. Additionally, because you seek to have both Mr. Hudock and Cameo serve as class representatives, each will be noticed for a separate deposition.

Tiffany D. Lipscomb-Jackson  
Partner

JONES DAY® - One Firm Worldwide<sup>SM</sup><<http://www.jonesday.com/>>  
325 John H. McConnell Boulevard, Suite 600 Columbus, OH 43215-2673 Office +1.614.281.3876

From: Margaret M. Murray <mmm@murrayandmurray.com>  
Sent: Wednesday, September 15, 2021 5:21 PM  
To: Lipscomb-Jackson, Tiffany D. <tdlipscombjackson@JonesDay.com>; Gladman, Michael R. <mrgladman@JonesDay.com>; Harmanis, M. Ryan <rharmanis@jonesday.com>; Dengler, Molly M. <mdengler@jonesday.com>; Roth, Yaakov M. <yroth@JonesDay.com>; 'john.mccaffrey@tuckerellis.com'

<john.mccaffrey@tuckerellis.com>; 'john.favret@tuckerellis.com' <john.favret@tuckerellis.com>; 'crendon@bakerlaw.com' <crendon@bakerlaw.com>; Brennan, Terry (TBrennan@bakerlaw.com) <TBrennan@bakerlaw.com>; 'alin@bakerlaw.com' (alin@bakerlaw.com) <alin@bakerlaw.com>; teaberryj@ballardspahr.com; katsifft@ballardspahr.com; axelrodd@ballardspahr.com; mckeelvassalloe@ballardspahr.com  
Cc: 'Marvin A. Miller' (mmiller@millerlawllc.com) <mmiller@millerlawllc.com>; Dennis E. Murray, Jr. <dmj@murrayandmurray.com>; Roddy, Kevin (kroddy@WILENTZ.com) (kroddy@WILENTZ.com) <kroddy@WILENTZ.com>; Rick Kerger <rkerger@kergerlaw.com>; Andy Szot (aszot@millerlawllc.com) <aszot@millerlawllc.com>  
Subject: RE: Smith, et al. v. FirstEnergy Corp., et al.

\*\* External mail \*\*

Tiffany –

You had requested new dates on August 23 when we assured you that discovery served would be answered timely and six days ago when I served those discovery responses. You provided specific dates this morning that are presumably when you, your team and your clients are available. We matched our clients' availability to the first dates provided by you. We are unwilling to provide each and every date that our clients may be available.

As indicated on the verification to interrogatories, Brian Hudock is the president of Cameo Countertops and will be available on your first available date, Oct. 5, for his role as such and in his individual capacity.

Margaret

Margaret M. Murray  
mmm@murrayandmurray.com<mailto:mmm@murrayandmurray.com>  
Direct Dial: (419) 624-3128

From: Lipscomb-Jackson, Tiffany D. [mailto:tdlipscombjackson@JonesDay.com]  
Sent: Wednesday, September 15, 2021 4:26 PM  
To: Margaret M. Murray; Gladman, Michael R.; Harmanis, M. Ryan; Dengler, Molly M.; Roth, Yaakov M.; 'john.mccaffrey@tuckerellis.com'; 'john.favret@tuckerellis.com'; 'crendon@bakerlaw.com'; Brennan, Terry (TBrennan@bakerlaw.com<mailto:TBrennan@bakerlaw.com>); 'alin@bakerlaw.com' (alin@bakerlaw.com<mailto:alin@bakerlaw.com>); teaberryj@ballardspahr.com<mailto:teaberryj@ballardspahr.com>; katsifft@ballardspahr.com<mailto:katsifft@ballardspahr.com>; axelrodd@ballardspahr.com<mailto:axelrodd@ballardspahr.com>; mckeelvassalloe@ballardspahr.com<mailto:mckeelvassalloe@ballardspahr.com>  
Cc: 'Marvin A. Miller' (mmiller@millerlawllc.com<mailto:mmiller@millerlawllc.com>); Dennis E. Murray, Jr.; Roddy, Kevin (kroddy@WILENTZ.com<mailto:kroddy@WILENTZ.com>) (kroddy@WILENTZ.com<mailto:kroddy@WILENTZ.com>); Rick Kerger; Andy Szot (aszot@millerlawllc.com<mailto:aszot@millerlawllc.com>)  
Subject: RE: Smith, et al. v. FirstEnergy Corp., et al.

Margaret—Thank you for your prompt response. As you know, since your August 6 email, I've sent your team several emails asking for deposition availability and this is the first response we have received. And, while I appreciate the information provided, it is incomplete for these purposes. What we need is each and every date that your clients are available in the window provided so we may determine for which dates we will notice the depositions. Rather than making a blanket request for availability (as those past attempts have resulted in no

response), we narrowed the request to specific dates. Please provide that information by COB Friday so that we may choose the dates for deposition.

We will take your request that the depositions occur virtually under advisement and let you know our position before we serve notices.

One additional question—are we correct to assume that Mr. Hudock will serve as the corporate rep for Cameo and, accordingly, his availability should be used in selecting the deposition date for that 30(b)(6) deposition?

Tiffany D. Lipscomb-Jackson

Partner

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325 John H. McConnell Boulevard, Suite 600 Columbus, OH 43215-2673 Office +1.614.281.3876

From: Margaret M. Murray <[mmm@murrayandmurray.com](mailto:mmm@murrayandmurray.com)<<mailto:mmm@murrayandmurray.com>>>

Sent: Wednesday, September 15, 2021 2:52 PM

To: Lipscomb-Jackson, Tiffany D.

<[tdlipscombjackson@JonesDay.com](mailto:tdlipscombjackson@JonesDay.com)<<mailto:tdlipscombjackson@JonesDay.com>>>; Gladman, Michael R.

<[mrgladman@JonesDay.com](mailto:mrgladman@JonesDay.com)<<mailto:mrgladman@JonesDay.com>>>; Harmanis, M. Ryan

<[rharmenis@jonesday.com](mailto:rharmenis@jonesday.com)<<mailto:rharmenis@jonesday.com>>>; Dengler, Molly M.

<[mdengler@jonesday.com](mailto:mdengler@jonesday.com)<<mailto:mdengler@jonesday.com>>>; Roth, Yaakov M.

<[yroth@JonesDay.com](mailto:yroth@JonesDay.com)<<mailto:yroth@JonesDay.com>>>; 'john.mccaffrey@tuckerellis.com'

<[john.mccaffrey@tuckerellis.com](mailto:john.mccaffrey@tuckerellis.com)<<mailto:john.mccaffrey@tuckerellis.com>>>; 'john.favret@tuckerellis.com'

<[john.favret@tuckerellis.com](mailto:john.favret@tuckerellis.com)<<mailto:john.favret@tuckerellis.com>>>; 'crendon@bakerlaw.com'

<[crendon@bakerlaw.com](mailto:crendon@bakerlaw.com)<<mailto:crendon@bakerlaw.com>>>; Brennan, Terry

([TBrennan@bakerlaw.com](mailto:TBrennan@bakerlaw.com)<<mailto:TBrennan@bakerlaw.com>>)

<[TBrennan@bakerlaw.com](mailto:TBrennan@bakerlaw.com)<<mailto:TBrennan@bakerlaw.com>>>; 'alin@bakerlaw.com'

([alin@bakerlaw.com](mailto:alin@bakerlaw.com)<<mailto:alin@bakerlaw.com>>) <[alin@bakerlaw.com](mailto:alin@bakerlaw.com)<<mailto:alin@bakerlaw.com>>>;

[teaberryj@ballardspahr.com](mailto:teaberryj@ballardspahr.com)<<mailto:teaberryj@ballardspahr.com>>;

[katsifft@ballardspahr.com](mailto:katsifft@ballardspahr.com)<<mailto:katsifft@ballardspahr.com>>;

[axelrodd@ballardspahr.com](mailto:axelrodd@ballardspahr.com)<<mailto:axelrodd@ballardspahr.com>>;

[mckeevassalloe@ballardspahr.com](mailto:mckeevassalloe@ballardspahr.com)<<mailto:mckeevassalloe@ballardspahr.com>>

Cc: 'Marvin A. Miller' ([mmiller@millerlawllc.com](mailto:mmiller@millerlawllc.com)<<mailto:mmiller@millerlawllc.com>>)

<[mmiller@millerlawllc.com](mailto:mmiller@millerlawllc.com)<<mailto:mmiller@millerlawllc.com>>>; Dennis E. Murray, Jr.

<[dmj@murrayandmurray.com](mailto:dmj@murrayandmurray.com)<<mailto:dmj@murrayandmurray.com>>>; Roddy, Kevin

([kroddy@WILENTZ.com](mailto:kroddy@WILENTZ.com)<<mailto:kroddy@WILENTZ.com>>)

([kroddy@WILENTZ.com](mailto:kroddy@WILENTZ.com)<<mailto:kroddy@WILENTZ.com>>)

<[kroddy@WILENTZ.com](mailto:kroddy@WILENTZ.com)<<mailto:kroddy@WILENTZ.com>>>; Rick Kerger

<[rkerger@kergerlaw.com](mailto:rkerger@kergerlaw.com)<<mailto:rkerger@kergerlaw.com>>>; Andy Szot

([aszot@millerlawllc.com](mailto:aszot@millerlawllc.com)<<mailto:aszot@millerlawllc.com>>)

<[aszot@millerlawllc.com](mailto:aszot@millerlawllc.com)<<mailto:aszot@millerlawllc.com>>>

Subject: RE: Smith, et al. v. FirstEnergy Corp., et al.

\*\* External mail \*\*

Tiffany –

As you may recall, we had circulated dates on August 6 but you asked for additional time to serve discovery first before securing deposition dates. Please note that Plaintiff Brian Hudock is available on Oct. 5 at 10 a.m. or later;

Plaintiff Jacob Smith is available on Oct. 7; and, Plaintiff James Buldas is available on Oct. 8. We would like these depositions to be conducted virtually with the plaintiff at Murray & Murray or at the office of Richard Kerger.

Thank you.

Margaret

Margaret M. Murray  
mmm@murrayandmurray.com<mailto:mmm@murrayandmurray.com>  
Direct Dial: (419) 624-3128

From: Lipscomb-Jackson, Tiffany D. [mailto:tdlipscomb@jonesday.com]  
Sent: Wednesday, September 15, 2021 9:06 AM  
To: Margaret M. Murray; Gladman, Michael R.; Harmanis, M. Ryan; Dengler, Molly M.; Roth, Yaakov M.; 'john.mccaffrey@tuckerellis.com'; 'john.favret@tuckerellis.com'; 'crendon@bakerlaw.com'; Brennan, Terry (TBrennan@bakerlaw.com<mailto:TBrennan@bakerlaw.com>); 'alin@bakerlaw.com' (alin@bakerlaw.com<mailto:alin@bakerlaw.com>); teaberryj@ballardspahr.com<mailto:teaberryj@ballardspahr.com>; katsifft@ballardspahr.com<mailto:katsifft@ballardspahr.com>; axelrodd@ballardspahr.com<mailto:axelrodd@ballardspahr.com>; mckeelvassalloe@ballardspahr.com<mailto:mckeelvassalloe@ballardspahr.com>  
Cc: 'Marvin A. Miller' (mmiller@millerlawllc.com<mailto:mmiller@millerlawllc.com>); Dennis E. Murray, Jr.; Roddy, Kevin (kroddy@WILENTZ.com<mailto:kroddy@WILENTZ.com>); (kroddy@WILENTZ.com<mailto:kroddy@WILENTZ.com>); Rick Kerger; Andy Szot (aszot@millerlawllc.com<mailto:aszot@millerlawllc.com>)  
Subject: RE: Smith, et al. v. FirstEnergy Corp., et al.

Dennis, Margret, and Andy,

In order to move class cert briefing along, we need to complete depositions of the named plaintiffs. We have asked for dates of availability several times, yet have received no response. Please let us know by COB Friday which of the following dates will work for depositions: October 5, 7-8, 12, 14-15, 24-29.

Tiffany D. Lipscomb-Jackson  
Partner  
JONES DAY® - One Firm Worldwide<sup>SM</sup><<http://www.jonesday.com/>>  
325 John H. McConnell Boulevard, Suite 600 Columbus, OH 43215-2673 Office +1.614.281.3876

From: Lipscomb-Jackson, Tiffany D.  
Sent: Thursday, September 9, 2021 11:16 AM  
To: 'Margaret M. Murray' <mmm@murrayandmurray.com<mailto:mmm@murrayandmurray.com>>; Gladman, Michael R. <mrgladman@jonesday.com<mailto:mrgladman@jonesday.com>>; Harmanis, M. Ryan <rharmanis@jonesday.com<mailto:rharmanis@jonesday.com>>; Dengler, Molly M. <mdengler@jonesday.com<mailto:mdengler@jonesday.com>>; Roth, Yaakov M. <yroth@jonesday.com<mailto:yroth@jonesday.com>>; 'john.mccaffrey@tuckerellis.com' <john.mccaffrey@tuckerellis.com<mailto:john.mccaffrey@tuckerellis.com>>; 'john.favret@tuckerellis.com' <john.favret@tuckerellis.com<mailto:john.favret@tuckerellis.com>>; 'crendon@bakerlaw.com' <crendon@bakerlaw.com<mailto:crendon@bakerlaw.com>>; Brennan, Terry (TBrennan@bakerlaw.com<mailto:TBrennan@bakerlaw.com>) <TBrennan@bakerlaw.com<mailto:TBrennan@bakerlaw.com>>; 'alin@bakerlaw.com' (alin@bakerlaw.com<mailto:alin@bakerlaw.com>) <alin@bakerlaw.com<mailto:alin@bakerlaw.com>>; teaberryj@ballardspahr.com<mailto:teaberryj@ballardspahr.com>;

katsifft@ballardspahr.com<mailto:katsifft@ballardspahr.com>;  
axelrodd@ballardspahr.com<mailto:axelrodd@ballardspahr.com>;  
mckeevassalloe@ballardspahr.com<mailto:mckeevassalloe@ballardspahr.com>  
Cc: 'Marvin A. Miller' (mmiller@millerlawllc.com<mailto:mmiller@millerlawllc.com>)  
<mmiller@millerlawllc.com<mailto:mmiller@millerlawllc.com>>; Dennis E. Murray, Jr.  
<dmj@murrayandmurray.com<mailto:dmj@murrayandmurray.com>>; Roddy, Kevin  
(kroddy@WILENTZ.com<mailto:kroddy@WILENTZ.com>)  
(kroddy@WILENTZ.com<mailto:kroddy@WILENTZ.com>)  
<kroddy@WILENTZ.com<mailto:kroddy@WILENTZ.com>>; Rick Kerger  
<rkerger@kergerlaw.com<mailto:rkerger@kergerlaw.com>>; Andy Szot  
(aszot@millerlawllc.com<mailto:aszot@millerlawllc.com>)  
<aszot@millerlawllc.com<mailto:aszot@millerlawllc.com>>  
Subject: RE: Smith, et al. v. FirstEnergy Corp., et al.

Thanks, Margaret. We are reviewing and will let you know if we believe a meet and confer on any of your responses is necessary. Unless plaintiffs intend to produce more documents, we ask that plaintiffs provide dates that each named plaintiff is available for deposition on or after Sept. 26.

Tiffany D. Lipscomb-Jackson

Partner

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325 John H. McConnell Boulevard, Suite 600 Columbus, OH 43215-2673 Office +1.614.281.3876

From: Margaret M. Murray <mmm@murrayandmurray.com<mailto:mmm@murrayandmurray.com>>

Sent: Wednesday, September 8, 2021 4:47 PM

To: Gladman, Michael R. <mrgladman@JonesDay.com<mailto:mrgladman@JonesDay.com>>; Harmanis, M.

Ryan <rharmanis@jonesday.com<mailto:rharmanis@jonesday.com>>; Dengler, Molly M.

<mdengler@jonesday.com<mailto:mdengler@jonesday.com>>; Lipscomb-Jackson, Tiffany D.

<tdlipscombjackson@JonesDay.com<mailto:tdlipscombjackson@JonesDay.com>>; Roth, Yaakov M.

<yroth@JonesDay.com<mailto:yroth@JonesDay.com>>; 'john.mccaffrey@tuckerellis.com'

<john.mccaffrey@tuckerellis.com<mailto:john.mccaffrey@tuckerellis.com>>; 'john.favret@tuckerellis.com'

<john.favret@tuckerellis.com<mailto:john.favret@tuckerellis.com>>; 'crendon@bakerlaw.com'

<crendon@bakerlaw.com<mailto:crendon@bakerlaw.com>>; Brennan, Terry

(TBrennan@bakerlaw.com<mailto:TBrennan@bakerlaw.com>)

<TBrennan@bakerlaw.com<mailto:TBrennan@bakerlaw.com>>; 'alin@bakerlaw.com'

(alin@bakerlaw.com<mailto:alin@bakerlaw.com>) <alin@bakerlaw.com<mailto:alin@bakerlaw.com>>;

teaberryj@ballardspahr.com<mailto:teaberryj@ballardspahr.com>;

katsifft@ballardspahr.com<mailto:katsifft@ballardspahr.com>;

axelrodd@ballardspahr.com<mailto:axelrodd@ballardspahr.com>;

mckeevassalloe@ballardspahr.com<mailto:mckeevassalloe@ballardspahr.com>

Cc: 'Marvin A. Miller' (mmiller@millerlawllc.com<mailto:mmiller@millerlawllc.com>)

<mmiller@millerlawllc.com<mailto:mmiller@millerlawllc.com>>; Dennis E. Murray, Jr.

<dmj@murrayandmurray.com<mailto:dmj@murrayandmurray.com>>; Roddy, Kevin

(kroddy@WILENTZ.com<mailto:kroddy@WILENTZ.com>)

(kroddy@WILENTZ.com<mailto:kroddy@WILENTZ.com>)

<kroddy@WILENTZ.com<mailto:kroddy@WILENTZ.com>>; Rick Kerger

<rkerger@kergerlaw.com<mailto:rkerger@kergerlaw.com>>; Andy Szot

(aszot@millerlawllc.com<mailto:aszot@millerlawllc.com>)

<aszot@millerlawllc.com<mailto:aszot@millerlawllc.com>>

Subject: Smith, et al. v. FirstEnergy Corp., et al.

\*\* External mail \*\*

Please see Plaintiffs' Discovery Answers.

Margaret M. Murray  
mmm@murrayandmurray.com<mailto:mmm@murrayandmurray.com>  
MURRAY & MURRAY CO., L.P.A.  
111 East Shoreline Drive  
Sandusky OH 44870  
Telephone: (419) 624-3000  
Direct Dial: (419) 624-3128  
Facsimile: (419) 624-0707

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